

## REMARKS

The Examiner's Advisory Action of May 16, 2005 stated that Applicant's Amendment of April 14, 2005 was not entered. Further, Applicant has not received a response to Applicant's Amendment of June 28, 2005. Therefore, Applicant provides this Preliminary Amendment to enter all of the amendments presented in Applicants Amendments presented on the dates above.

### Status of the Claims

Upon entry of this Amendment, claims 1, 4-11, 15 and 17 are pending in this application. Claims 1 and 4-8 were allowed in the parent application. Claims 9 and 17 were rejected. Claims 10 and 11 were objected to.

### Fee for Extensions of Time

Applicant notes that Applicant forwarded \$450 for a Two Month Extension of Time on June 26, 2005. Applicant requests that a credit for that amount be applied against the fee for a Three Month Extension of Time requested in connection with the filing of this RCE and Preliminary Amendment.

### Amendment of the Specification

The specification is amended at Example 2 as follows. The second paragraph of Example 2 is replaced. The blank spaces previously seen in the paragraph are corrected. No new matter is introduced. The primers described in the paragraph are also described at page 15, lines 1-4. Please note that some nucleotides within the linkers were previously emphasized by underlining. In the presented versions of the paragraph that emphasis is now shown by bolding because 37 CFR 1.121(1)(iii) prohibits underlining in replaced paragraphs.

The specification is amended by deleting the third paragraph of Example 2. Applicant does not claim the invention by reference to a biological deposit.

### Amendment of the Claims

In view of the Examiner's comments in the Office Action of January 28, 2005, Claim 9 has been amended to recite the expression of the polypeptide. A conforming amendment has been presented in Claim 11. Applicant requests withdrawal of the stated rejection and withdrawal of the objection to claims 10 and 11.

Claim 17 has been amended to conform to the language of claim 15, thereby making moot the rejection for lack of antecedent basis. Applicant requests withdrawal of the stated rejection.

Telephone Conference

If the Examiner believes that any remaining issues may be resolved via a teleconference, the Examiner is invited to contact Applicant's attorney at the number below.

CONDITIONAL PETITION

Applicant hereby makes a Conditional Petition for any relief available to correct any defect in connection with this filing, or any defect remaining in this application after this filing. The Commissioner is authorized to charge deposit account 13-2755 for the petition fee and any other fee(s) required to affect this Conditional Petition.

CONCLUSION

In view of the foregoing remarks, it is believed that the grounds of the rejections have been addressed and that Claims 1, 4-11, 15 and 17 are in condition for allowance.

Respectfully submitted,

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